

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RAY DEAN BIRD,

Defendant.

4:21-CR-30-BMM

ORDER

Defendant Ray Dean Bird requests that the Court allow his Motion for Bill of Particulars, despite having filed the motion outside the 14-day timeline as provided in Fed. R. Crim. P. 7(f). (Doc. 33). The Government opposes Defendant's motion. *Id.* The Government contends that Defendant missed the deadline established by Rule 7(f) and no different deadline for filing was established by the Court. (Doc. 32. at 2–3).

Rule 7(f) provides that a “defendant may move for a bill of particulars before or within 14 days after arraignment or at a later time if the court permits.” Fed. R. Crim. P. 7(f). The parties agree that Defendant did not file his motion within Rule 7(f)'s 14-day window following his arraignment. (Doc. 34 at 1). Rule

7(f) provides the Court with authority, however, to establish a different deadline for the filing of a Motion seeking a Bill of Particulars.

The Court established a different deadline for Defendant's motion in the original Scheduling Order, which states that "*All pretrial motions*, other than motions to enter a guilty plea, must be filed, along with a brief in support, on or before the motions deadline [of June 14, 2021]." (Doc. 14 at 1–2) (emphasis added). This Scheduling Order deadline supersedes the 14-day timeline provided in Fed. R. Crim. P. 7(f). Defendant filed his Motion for a Bill of Particulars and supporting brief on June 7, 2021, well in advance of the Court's June 14, 2021 deadline. (Docs. 21, 22).

Accordingly, **IT IS ORDERED** that Defendant's Motion to Allow Filing of Motion for Bill of Particulars (Doc. 33) is **GRANTED**.

Dated this 28th day of June, 2021.

A handwritten signature in blue ink, reading "Brian Morris".

Brian Morris, Chief District Judge
United States District Court